

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

NHIN THI TRAN

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv105-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

The Court has before it the [11] Proposed Findings of Fact and Recommendations of the United States Magistrate Judge. A copy of the findings and recommendations mailed to Plaintiff's address was returned as undeliverable [12]. Nevertheless, the time for filing objections to these findings and recommendations has now elapsed.

After an independent review of the record, I find that the proposed findings of fact are accurate. The recommendation of the United States Magistrate Judge is sound, and it will be accepted. The Court specially notes the failure to obtain new counsel after counsel informed Plaintiff of their withdrawal [6]; the failure to respond to the [8] order granting withdrawal of counsel; and the failure to respond to the [10] order to show cause why the case should not be dismissed for failure to prosecute.

Accordingly, **IT IS ORDERED:**

The [11] Report and Recommendations of the United States Magistrate Judge are hereby **ADOPTED** as the Court's findings of fact and conclusions of law;

Defendant State Farm Fire and Casualty Company's [9] Motion to Dismiss for Lack of Prosecution is hereby **GRANTED**;

This cause of action is hereby **DISMISSED WITHOUT PREJUDICE**, with parties to bear their own costs.

**SO ORDERED** this the 17<sup>th</sup> day of November, 2006.

s/ *L. T. Senter, Jr.*  
L. T. Senter, Jr.  
Senior Judge